IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10154 OF 2004

The Ratnakar Bank Limited ..Petitioner.

Vs.

Suresh Bhaurao Aarge & Ors. ..Respondents.

....

Mr.G.V.Bhagwat i/b M/s.Divekar & Co. for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

15th April, 2005.

P.C. :

In view of the definition of the expression 'conveyance' in Section 2(g) of the Bombay Stamp Act, 1958 read with Article 25 of Schedule I, the impugned order of the Civil Judge, Senior Division, Sangli impounding the agreement for sale and remitting it to the Collector for calculating the deficit stamp duty and penalty cannot be faulted. In view of the provisions of Clause 10 of the agreement, it is evident that

possession of atleast a part of the property was handed over to the Petitioner and symbolic possession of the entire property was given. In the circumstances, no case for interference is made out. The Petition is rejected.